

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1157 Postsecondary Education for Veterans  
**SPONSOR(S):** Higher Education and Workforce Subcommittee, Raburn  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1638

| REFERENCE                                    | ACTION              | ANALYST | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF |
|--|---------------------|---------|--|
| 1) Higher Education & Workforce Subcommittee | 11 Y, 0 N, As<br>CS | Banner  | Bishop                                   |
| 2) Education Appropriations Subcommittee     | 12 Y, 0 N           | Butler  | Heflin                                   |
| 3) Education Committee                       |                     |         |  |

### SUMMARY ANALYSIS

Florida law allows eligible members of the United State Armed Forces to earn college credit at public postsecondary institutions for college-level training and education acquired in the military. The bill expands this benefit to include honorably discharged veterans.

The bill requires the Department of Education to include the Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT) on the list of acceleration mechanisms for which credit may be awarded.

The bill modifies an existing tuition waiver qualification requirement for eligible recipients of a Purple Heart, or superior combat decoration. The bill expands the tuition waiver to include any eligible recipient of a Purple Heart, or superior combat decoration, enrolled in an eligible postsecondary institution who currently is a Florida resident, or was a Florida resident at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration.

The bill also requires the Department of Education to include successful completion of a United State Defense Language Institute Foreign Language Center program or passing score on the Defense Language Proficiency Test (DLPT) to the documentation an individual may provide to demonstrate mastery of subject area knowledge for purposes of meeting teacher certification requirements.

Increases in enrollment by students who qualify for this tuition waiver will require additional state funding in future years to cover these students' educational costs. The fiscal impact is indeterminate. See FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT.

The bill is effective July 1, 2016.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

#### **College Credit for Military Training**

The Board of Governors and the State Board of Education are authorized to adopt regulations and rules, respectively, to enable eligible members of the United States Armed Forces to earn academic college credit at public postsecondary education institutions for college-level training and education acquired in the military.<sup>1</sup>

Board of Governors Regulation directs each state university board of trustees to “adopt a policy and process that enables students who are or were eligible members of the United States Armed Forces to earn appropriate academic college credit for college-level training and education acquired in the military.”<sup>2</sup> State Board of Education Rule directs each Florida College System institution to adopt a similar policy.<sup>3</sup>

Current law also allows for a variety of articulated acceleration mechanisms in order to shorten the time necessary for a student to complete the requirements associated with the completion of a high school diploma and a postsecondary degree.<sup>4</sup> The Department of Education (DOE) is required to identify and publish the minimum scores, maximum credit and course(s) for which credit is to be awarded for each College Level Examination Program (CLEP) subject examination, College Board Advanced Placement (AP) Program examination, Advanced International Certificate of Education (AICE) examination, and International Baccalaureate (IB) examination.<sup>5</sup> Each state university and Florida College System institution must award credit for specific courses for which competency has been demonstrated by successful passage of one the examinations identified.<sup>6</sup> The Articulation Coordinating Committee (ACC) also establishes passing scores and course and credit equivalents for the DSST (DANTES) and Excelsior College examinations. Public colleges and universities in Florida are not required to award the minimum recommended credit for DANTES and Excelsior exams as designated, but if a public institution awards credit consistent with ACC recommendations, all other public institutions must accept that credit in transfer.<sup>7</sup>

#### **Fee Waivers**

Florida law requires a state university, Florida College System institution, school district career center or charter technical career center to waive tuition for recipients of a Purple Heart or other superior combat decoration. Individuals must be enrolled as a degree or certificate seeking student, reside in the state while enrolled in the institution and have been a resident at the time the military action occurred.<sup>8</sup>

Accordingly, any veteran or active duty member who is a recipient of a Purple Heart or superior combat decoration and lives in Florida may receive this waiver. This would include any veteran or active duty member whose home of record was Florida at the time of the military action and who has maintained Florida residency, regardless of where he or she is physically residing.

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<sup>1</sup> Section 1004.096, F.S.

<sup>2</sup> Board of Governors Regulation 6.013, Military Veterans and Active Duty

<sup>3</sup> Rule 6A-14.0302, F.A.C.

<sup>4</sup> Section 1007.27(1), F.S.

<sup>5</sup> Section 1007.27(2), F.S.

<sup>6</sup> Section 1007.27(3), F.S. Florida Department of Education, *Articulation Coordinating Committee Credit-By-Exam Equivalencies Guidelines*, available at [www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf](http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf) (lasted updated December 2014).

<sup>7</sup> Rule 6A-10.024(7), F.A.C. and Board of Governors Regulation 6.006.

<sup>8</sup> Section 1009.26(8), F.S. and Board of Governors Regulation 7.008.

Data provided by the Board of Governors indicates that 46 Purple Heart waivers were granted during the 2012-2013 academic year.<sup>9</sup>

## **Educator Certification Requirements**

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education.<sup>10</sup> Persons seeking employment at a public school as a school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or in another instructional capacity must be certified.<sup>11</sup> The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”<sup>12</sup>

To be eligible for an educator certificate, a person must:<sup>13</sup>

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- Earn a bachelor’s or higher degree from an accredited institution of higher learning<sup>14</sup> or from a nonaccredited institution identified by the department as having a quality program resulting in a bachelor’s or higher degree;<sup>15</sup>
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant’s disqualification from certification or employment;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

In addition, each applicant must submit an application and the required fee to the department.<sup>16</sup>

An applicant seeking a professional certificate must:

- Meet the basic eligibility requirements for certification;<sup>17</sup>
- Demonstrate mastery of general knowledge;<sup>18</sup>
- Demonstrate mastery of subject area knowledge;<sup>19</sup> and
- Demonstrate mastery of professional preparation and education competence.<sup>20</sup>

Mastery of subject area knowledge may be demonstrated by earning a qualifying bachelor’s or higher degree and passing the Florida-developed subject area examination specified in state board rule<sup>21</sup> or, if

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<sup>9</sup> Board of Governors analysis

<sup>10</sup> Sections 1012.55(1) and 1002.33(12)(f), F.S.

<sup>11</sup> Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S.

<sup>12</sup> Section 1012.54, F.S.; *see* rule 6A-4.001(1), F.A.C.

<sup>13</sup> Section 1012.56(2)(a)-(f), F.S.

<sup>14</sup> Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Regional and National Institutional Accrediting Agencies*, [http://www2.ed.gov/admins/finaid/accred/accreditation\\_pg6.html#NationallyRecognized](http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized) (last visited Nov. 23, 2015) (list of accrediting agencies approved by the U.S. Department of Education).

<sup>15</sup> Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant’s major field of study. Section 1012.56(2)(c), F.S.

<sup>16</sup> Section 1012.56(1), F.S.; *see s.* 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

<sup>17</sup> Section 1012.56(2)(a)-(f), F.S.

<sup>18</sup> Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, [http://www.fldoe.org/edcert/mast\\_gen.asp](http://www.fldoe.org/edcert/mast_gen.asp) (last visited Nov. 23, 2015).

<sup>19</sup> Section 1012.56(2)(h) and (5), F.S.

<sup>20</sup> Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, [http://www.fldoe.org/edcert/mast\\_prof.asp](http://www.fldoe.org/edcert/mast_prof.asp) (last visited Nov. 23, 2015).

<sup>21</sup> Section 1012.56(5)(a), F.S. The Florida Teacher Certification Examinations include 44 subject area tests. Florida Department of Education, *Florida Teacher Certification Examinations*, [http://www.fl.nesinc.com/FL\\_TIGS.asp](http://www.fl.nesinc.com/FL_TIGS.asp) (last visited Nov. 23, 2015).

a Florida subject area examination has not been developed, achieving a passing score on a standardized examination specified in state board rule. An applicant may also demonstrate mastery of subject area knowledge by providing documentation of a valid professional standard teaching certificate issued for a subject area by another U.S. state or territory, by NBPTS, or by ABCTE, if the certificate is comparable to the Florida certificate issued for the same subject area.<sup>22</sup>

### Effect of Proposed Changes

Currently, eligible members of the United State Armed Forces are able to earn college credit at public postsecondary institutions for college-level training and education acquired in the military. The bill expands this benefit to include honorably discharged veterans.

The bill requires DOE to include the Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT) to the list of acceleration mechanisms for which college credit must be awarded. The Articulation Coordinating Committee (ACC) already identifies passing scores and course and credit equivalents for the DSST (DANTES) and Excelsior College examinations, but does not currently do so for the Defense language Proficiency Test (DLPT). The bill will require the ACC to convene faculty committees to review the DLPT examinations.

The bill modifies an existing tuition waiver qualification requirement for eligible recipients of a Purple Heart, or superior combat decoration. The bill expands the tuition waiver to include any eligible recipient of a Purple Heart, or superior combat decoration, who is enrolled in an eligible postsecondary institution and who currently is a Florida resident, or was a Florida resident at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration.

The bill also requires DOE to include successful completion of a United State Defense Language Institute Foreign Language Center program or passing score on the Defense Language Proficiency Test (DLPT) to the documentation an individual may provide to demonstrate mastery of subject area knowledge for purposes of meeting teacher certification requirements.

#### B. SECTION DIRECTORY:

**Section 1.** Amends s.1004.096, F.S., to clarify that both active duty and honorably discharged veterans are able to earn academic college credit for college-level training and education acquired in the military.

**Section 2.** Amends s. 1007.27, F.S., to add specific subject examinations to be used for the demonstration of subject area knowledge.

**Section 3.** Amends s. 1009.26, F.S., to modify tuition waiver eligibility requirements for Purple Heart recipients.

**Section 4.** Amends s. 1012.56, F.S., to provide additional means by which an individual can verify subject area mastery in order to achieve teacher certification.

**Section 5.** Provides an effective date of July 1, 2016.

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<sup>22</sup> Section 1012.56(5)(e) and (f), F.S.; rule 6A-4.002(1)(i)-(j), F.A.C.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

##### **State University System**

The Board of Governors, based on 2012-2013 enrollment data of recipients of Purple Heart or other combat decoration receiving a tuition and fee waiver, estimates an annual unrealized tuition amount for the State University System of approximately \$270,000.<sup>23</sup>

According to the Board of Governors, the fiscal impact to the State University System is calculated by using the 2012-2013 FTE enrollment data for recipients of Purple Heart or other combat decoration because more current data is not available. Additionally, the 2015-2016 Tuition and Fee Survey is used to calculate the system average of lost revenues resulting from the exclusion of tuition and fees paid by these students.<sup>24</sup>

2014-2015 System Tuition and Fee Revenue = 46 \* 40 credits \* \$146.55 = \$269,652

#### 2. Expenditures:

The bill may require modification of rules and regulations by the State Board of Education and Board of Governors, respectively. Additionally, the bill requires the DOE and ACC to review additional examinations proposed as articulated acceleration mechanisms. The fiscal impact of these requirements is insignificant.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Specified recipients of the Purple Heart or other superior combat decoration who are not currently Florida residents will qualify for this tuition waiver at state universities, Florida College System institutions, career centers, and charter technical career centers if they were a Florida resident at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration. Currently, these individuals would be charged as a non-resident student, paying the out-of-state fee in addition to standard tuition and fees. Savings are outlined below:

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<sup>23</sup> State University System of Florida Board of Governor's 2016 Legislative Bill Analysis for HB 1157.

<sup>24</sup> Id.

| <b>Tuition and Fees Per Credit/Clock Hour</b>  |                                 |                     |
|--|---------------------------------|---------------------|
|  | <b>Average Tuition and Fees</b> |                     |
|  | <b>In-State</b>                 | <b>Out-of-State</b> |
| <b>COLLEGES</b>  |                                 |                     |
| Associate  | \$107                           | \$390               |
| Baccalaureate  | \$122                           | \$514               |
| Career Certificates/Applied Technology Diploma <sup>1</sup>  | \$83                            | \$329               |
| <b>UNIVERSITIES</b>  |                                 |                     |
| Undergraduate  | \$198                           | \$688               |
| <b>CAREER CENTERS (tuition - per clock hour)</b>   |                                 |                     |
| Career Certificates/Applied Technology Diploma <sup>1</sup>  | \$2.33                          | \$6.99              |
| <sup>1</sup> Career Centers and Charter Technical Centers offer these programs as well. These represent Florida College System institutions' conversion from clock hour to credit hour. These rates are assessed in accordance with section 1009.22, Florida Statutes. |                                 |                     |

**D. FISCAL COMMENTS:**

Generally, it may be difficult for institutions to identify the number of students who will meet the criteria outlined in the bill and opt to take advantage of the expanded benefits; therefore, the full potential fiscal impact is indeterminate.

Institutions may incur losses in tuition and out-of-state fee revenues for current students who become eligible as a result of this legislation. Currently, for both the Florida colleges and state universities, state funding provides approximately 57 percent of the cost of student's education, while student tuition provides 43 percent. Significant increases in enrollment will require additional state funding. Since there is no way to determine potential enrollment increases, the fiscal impact is indeterminate.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The State board of Education and Board of Governors may be required to amend any rules or regulations inconsistent with the provisions of the bill.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 25, 2016, the Higher Education and Workforce Subcommittee adopted two amendments to the bill and reported the bill favorably as a committee substitute. The amendments:

- make a technical correction moving the language in the bill related to the college credit equivalencies for standardized military examinations to a more appropriate section of law, and
- clarify that any Purple Heart Recipient who is either currently a Florida resident OR was a Florida resident at the time the combat decoration was awarded is eligible for the fee waiver.

This analysis reflects the committee substitute as adopted by the Higher Education and Workforce Subcommittee.